



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter M. Bonutti

Examiner: TBA

Serial No.: 10/743,192

Group: Art Unit TBA

Filed: December 22, 2003

Docket: 2500 DIV II CON II DIV III CON VII
(203-3515 DIV II CON II DIV III CON VII)

For: FLUID OPERATED
RETRACTORS

Dated: March 22, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

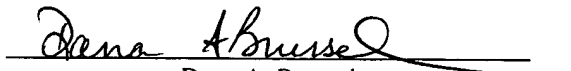
Pursuant to applicant's continuing duty of disclosure, it is respectfully requested that the disclosures cited in the annexed Form PTO-1449 be considered by the Examiner and made of record in the above-identified application.

The references listed were previously cited and submitted in the parent application, U.S. Application Serial No. 10/662,923 filed September 15, 2003. In accordance with 37 C.F.R. §1.98(d) and 35 U.S.C. §120, copies of the references can be obtained in the above-identified application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 22, 2004.

Dated: March 22, 2004


Dana A. Brussel

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

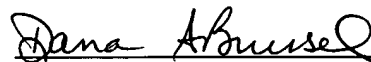
The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☒ [X] This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ [] This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☐ [] To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ [] Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ [] Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
- ☐ [] Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- ☐ [] Please charge the \$130.00 petition fee to Deposit Account No. **50-2140**.

- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 50-2140.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefor. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



Dana A. Brussel
Reg. No. 45,717
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 225
Melville, New York 11747
Tel.: (631) 501-5713
Fax: (631) 501-3526

DAB/jjp



| | | |
|--|--|----------------------------------|
| Form PTO-1589 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) | Docket Number (Optional) 2500 DIV II CON II DIV III CON VII (203-3515 DIV II CON II DIV III CON VII) | Application Number 10/743,192 |
| Applicant Peter M. Bonutti | | |
| Filing Date December 22, 2003 | | Group Art Number TBA |

U.S. PATENT DOCUMENTS

| Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date if Appropriate |
|------------------|-----------------|------------|------------------|-------|----------|----------------------------|
| | 1,863,057 | Jun., 1932 | Innes | | | |
| | 1,909,967 | May., 1933 | Jones | | | |
| | 2,854,983 | Oct., 1958 | Baskin | | | |
| | 2,936,760 | May., 1960 | Gants | | | |
| | 3,039,468 | Jun., 1962 | Price | | | |
| | 3,253,594 | May., 1966 | Matthews et al. | | | |
| | 3,397,699 | Aug., 1968 | Kohl | | | |
| | 3,417,745 | Dec., 1968 | Sheldon | | | |
| | 3,459,175 | Aug., 1969 | Miller | | | |
| | 3,495,586 | Feb., 1970 | Regenbogen | | | |
| | 3,774,596 | Nov., 1973 | Cook | | | |
| | 3,800,788 | Apr., 1974 | White | | | |
| | 3,882,852 | May., 1975 | Sinnreich | | | |
| | 3,915,171 | Oct., 1975 | Shermeta | | | |
| | 4,077,412 | Mar., 1978 | Moossun | | | |
| | 4,083,369 | Apr., 1978 | Sinnreich | | | |
| | 4,177,814 | Dec., 1979 | Knepshild et al. | | | |
| | 4,198,981 | Apr., 1980 | Sinnreich | | | |
| | 4,230,119 | Oct., 1980 | Blum | | | |
| | 4,295,464 | Oct., 1981 | Shihata | | | |
| | 4,312,353 | Jan., 1982 | Shahbadian | | | |
| | 4,447,227 | May., 1984 | Kotsanis | | | |
| | 4,501,266 | Feb., 1985 | McDaniel | | | |
| | 4,555,242 | Nov., 1985 | Saudagar | | | |
| | 4,572,186 | Feb., 1986 | Gould et al. | | | |
| | 4,585,000 | Apr., 1986 | Hershenson | | | |

| | |
|----------|-----------------|
| Examiner | Date Considered |
|----------|-----------------|

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

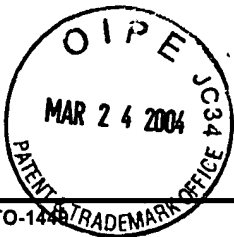


| | | |
|--|--|----------------------------------|
| Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) | Docket Number (Optional) 2500 DIV II CON II DIV III CON VII (203-3515 DIV II CON II DIV III CON VII) | Application Number 10/743,192 |
| Applicant Peter M. Bonutti | | |
| Filing Date December 22, 2003 | | Group Art Number TBA |

U.S. PATENT DOCUMENTS

| Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date if Appropriate |
|------------------|-----------------|------------|---------------------|-------|----------|----------------------------|
| | 4,589,686 | May., 1986 | Dretler | | | |
| | 4,608,965 | Sep., 1986 | Anspach, Jr. et al. | | | |
| | 4,610,662 | Sep., 1986 | Weikl et al. | | | |
| | 4,615,704 | Oct., 1986 | Frisch | | | |
| | 4,651,717 | Mar., 1987 | Jakubczak | | | |
| | 4,706,670 | Nov., 1987 | Andersen et al. | | | |
| | 4,779,611 | Oct., 1988 | Grooters et al. | | | |
| | 4,798,205 | Jan., 1989 | Bonomo et al. | | | |
| | 4,800,901 | Jan., 1989 | Rosenberg | | | |
| | 4,802,479 | Feb., 1989 | Haber et al. | | | |
| | 4,861,334 | Aug., 1989 | Nawaz | | | |
| | 4,875,468 | Oct., 1989 | Krauter et al. | | | |
| | 4,899,729 | Feb., 1990 | Gill et al. | | | |
| | 4,921,478 | May., 1990 | Solano et al. | | | |
| | 4,927,412 | May., 1990 | Menasche | | | |
| | 4,932,956 | Jun., 1990 | Reddy et al. | | | |
| | 4,954,126 | Sep., 1990 | Wallsten | | | |
| | 4,966,583 | Oct., 1990 | Debbas | | | |
| | 4,984,564 | Jan., 1991 | Yuen | | | |
| | 4,994,047 | Feb., 1991 | Walker et al. | | | |
| | 4,998,539 | Mar., 1991 | Delsanti | | | |
| | 5,002,557 | Mar., 1991 | Hasson | | | |
| | 5,041,093 | Aug., 1991 | Chu | | | |
| | 5,042,976 | Aug., 1991 | Ishitsu et al. | | | |
| | 5,122,122 | Jun., 1992 | Allgood | | | |
| | 5,163,949 | Nov., 1992 | Bonutti | | | |
| | 5,514,091 | May., 1996 | Yoon | | | |

| | |
|--|-----------------|
| Examiner | Date Considered |
| Examiner: Initial if citation considered, whether or nor citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | |



Sheet

3 of

4

| | | | | | | |
|--|--|--|---------|----------------------------------|----------|-------------------------------|
| Form PTO-1446 | | Docket Number (Optional) 2500 DIV II CON II DIV III CON VII (203-3515 DIV II CON II DIV III CON VII) | | Application Number 10/743,192 | | |
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) | | Applicant Peter M. Bonutti | | | | |
| | | Filing Date December 22, 2003 | | Group Art Number TBA | | |
| U.S. PATENT DOCUMENTS | | | | | | |
| Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date if Appropriate |
| | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | |
| | Document Number | Date | Country | Class | Subclass | Translation Yes No |
| | 2,580,504 | Oct., 1986 | FR | | | |
| | 1,323,090 | Jul., 1987 | SU | | | |
| | 594,960 | Mar. 1978 | SU | | | |
| | | | | | | |
| OTHER DOCUMENTS | | | | | | |
| | Rafael Cinelli, M.D., "The Inflatable Silastic Bag: A Practical Device that Simplifies Augmentation Mammoplasty." From the Division of Plastic Surgery, Department of Surgery, at the Maimonides Medical Center and Medical Arts Center of New York. | | | | | |
| | Bruce M. Rigg, M.D., "Inflatable Device for Intraoperative Use During Augmentation Mamaplasty."--Reconstructive Surgery, May 1982. | | | | | |
| | Gordon H. Sasaki, M.D., "Intraoperative Sustained Limited Expansion (ISLE) as an Immediate Reconstructive Technique." Clinics in Plastic Surgery--vol. 14, No. 3, Jul. 1987. | | | | | |
| | Gordon H. Sasaki, M.D., "Intraoperative Expansion.TM. as an Immediate Reconstructive Technique." Facial Plastic Surgery, 5:4, Jul. 1988. | | | | | |
| | Declaration of Bela S. Denes, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity. | | | | | |
| | Declaration of John H. Payne, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity. | | | | | |
| | Declaration of Rafael Cinelli, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity. | | | | | |
| | Rebuttal Expert Report of John H. Payne, M.D. | | | | | |
| | Rebuttal Expert Report of Rafael Cinelli, M.D. | | | | | |
| Examiner | | | | Date Considered | | |
| Examiner: Initial if citation considered, whether or nor citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | | | | | | |



Sheet

4 of

4

| | | |
|---|---|---|
| Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) | Docket Number (Optional) 2500 DIV II CON II DIV III CON VII (203-3515 DIV II CON II DIV III CON VII) | Application Number 10/743,192 |
| | Applicant Peter M. Bonutti | |
| | Filing Date December 22, 2003 | Group Art Number TBA |
| OTHER DOCUMENTS | | |
| Expert Report of Ernest K. Manders, M.D., executed date Dec. 1, 1997. | | |
| Expert Report of Guy Voeller, M.D., executed date Dec. 1, 1997. | | |
| Declaration of Guy Voeller in Support of Origin's Motion for Summary Judgment of Invalidity Sanchez et al., "Anclaje cervical endoscopico. Nuevo tratamiento para la incontinencia de esfuerzo." Arch. Esp. de urol., 41.2 (127-130), 1988--(English translation attached). | | |
| Maxwell D18214, "Immediate Intraoperative Expansion in Augmentation Mammoplasty." (Videotape). | | |
| "Nasal Reconstruction with the Rapidly Expanded Forehead Flap," Laryngoscope, 99:1096-1098, Henry T. Hoffman, M.D., and Shan H. Baker, M.D. | | |
| Retroperitoneoscopy: A Preliminary Report, R. Wittmoser, pp. 760-761. | | |
| Stress Incontinence: A New Endoscopic Approach, Dr. Sanchez de Badajoz Chammorro et al., Urology, vol. 36, No. 5, pp. 403-405. | | |
| Order Denying Plaintiff General Surgical Innovations, Inc.'s Motion for Partial summary Judgment of Claim 3 or U.S. Patent No. 5,514,153. | | |
| Declaration of Edward L. Felix, M.D., in Support of origin's Opposition to GSI's Motion for Partial Summary Judgment. | | |
| Uretropexia Laparoscopia, Arch. Esp. de Urol. 46, 7 (642-644) 1993 (With English Translation). | | |
| Urethropexia Laparoscopica Extraperitoneal, Arch. Esp. de Urol. 47.4 (415-418) 1994 (English Translation Attached). | | |
| Examiner | | Date Considered |
| Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | | |